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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/606750	June 27, 2003	Naohiro Toda et al	239522us0

Oblon, Spivak, McClelland,
Maier & Neustadt, P.C.
Debra J. Noel
1940 Duke Street
Alexandria, Virginia 22314

Date Mailed: October 6, 2005

DENIAL OF REQUEST FOR REFUND

Your refund request dated July 25, 2005 for the amount of \$120.00 in the above-identified application is acknowledged. However, this request cannot be granted for the reason specified below.

- ☐ Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- ☐ Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is not entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- ☐ Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly.
- ☐ The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
 - ☐ Not filled out properly. (See attached copy of notice.)
 - ☐ Not made payable in U.S. funds.
 - ☐ No explanation was given as to purpose.
 - ☐ Payment was previously received and applied by Office.
 - ☐ Check was returned by bank for insufficient funds.

****Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

Please contact Customer Service at (571) 272-4000 for any inquiries regarding this decision.



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The credit card was not charged for the \$120.00. When it got to formalities they saw the extension of time was needed so they had to charge the D/A

Eleanor F. Kurtz
Office of Initial Patent Examination